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15 June 1951

MEMORANDUM FOR THE RECORD

SUBJECT: Witness Expenses for U. S. Employees

1. A question has been presented to this office concerning payment of expenses to Government employees who appear as witnesses for the Government in court proceedings.

2. Officers and employees summoned as witnesses for the Government before any United States Court or United States commissioner shall be entitled to necessary expenses incident to travel by common carrier and, if travel is made by privately owned automobile, mileage at the rate of 7 cents per mile, together with \$9 per diem in lieu of subsistence to be paid under the provisions of the Standardized Government Travel Regulations (62 Stat. 950; 28 U.S.C.Supp., 1823).

3. The above is set out in [ ] 1949 SUPP., 21.1.

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4. The following information was given to me by Mr. George Miller of the Department of Justice, Code 197, Extension 200:

(a) If one of our employees is testifying regarding something which he learned as a result of the performance of his duties with another Agency, he would be issued transportation request by [ ] office.

(b) If a witness has been subpoenaed to report to another city, e.g., New York, he may travel to New York in his own automobile and be reimbursed at his destination following the trial.

(c) In emergency cases, when an employee has insufficient funds to make a trip, he may be given a travel advance by the Department of Justice. This can be arranged through Mr. Miller, who very likely will handle it through the U. S. Marshal's Office.

5. A witness summoned before the Civil Aeronautics Board is entitled to the same expenses paid witnesses in the courts under 28 USCA 1821 (see decision of the Comptroller General, B-100168, dated 22 January, 1951).

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